

IV. Land Use and Zoning Policies

A. Background

The history of zoning in South Martineztown is closely tied to government plans and expectations for growth of the central business district. Examination of zoning history provides a case study of government policies, programs and citizen initiative.

In 1953 Albuquerque's first zoning ordinance was developed. Although this ordinance was overturned in court and not replaced with a legally adopted ordinance until 1959, this initial zoning reveals the City of Albuquerque's planning with respect to South Martineztown. Most of the neighborhood was designated R-4, Multiple Dwelling and Office Zone by the 1953 ordinance. Along the northern edge of the neighborhood (Lomas Boulevard) C-3, Heavy Commercial zoning was designated. The proposed zoning did not match existing land use conditions. Rather, it allowed for significantly more intensive development than the established pattern of mixed residential development with pockets of commercial activity. Apparently City officials expected South Martineztown to become more closely associated with the commercial and public activities of the downtown core.

In line with these apparent expectations, the Civic Auditorium was completed in 1957 on property just east of South Martineztown. The area around the Auditorium was targeted for a government office complex and the City of Albuquerque began purchasing land around it. In 1960, the City Zone Code was amended and the R-4 Zone (the predominant zone classification in South Martineztown) was replaced by the O-1, Office and Institutional Zone. Much of South Martineztown was within this category, indicating that the neighborhood was expected to become part of plans for a government office complex. A City Planning Report designated the area as "public" in land use, further substantiating government intentions. Government plans, however, failed to materialize. Albuquerque voters rejected a succession of bond issues that would have provided funding for public projects within the neighborhood, including plans for a civic center, and later a convention center and a new City Hall facility.

Throughout the 1960s, South Martineztown was zoned for office and commercial use. It was still anticipated that this area would be used for future expansion of the downtown core or related commercial or government activities. This was also true of many of the neighborhoods surrounding downtown, including Barelás, Huning Highland and McClellan Park. South Martineztown was a frequent target for large scale redevelopment projects since the neighborhood was perceived as too dilapidated for rehabilitation. Ironically, local government contributed to the decline in residential stability and reinvestment through its plans, policies and property acquisition efforts.

Citizen involvement in South Martineztown began in the late 1960s after plans were announced for an educational complex to be built in the vicinity. Initially, this project was conceived as an educational park that would have included up to 15,000 students from kindergarten through High School. It was projected to occupy 100 acres, requiring demolition of South Martineztown (plus residential areas north of Lomas and south to Central Avenue) and the relocation of all residents. The Urban Renewal Agency, which was cooperating with APS, was to handle property acquisition. By 1970 the proposal had been scaled down to a single "magnet" high school. In protest, the Citizens Information Committee of Martineztown organized a march on City Hall in May of 1971 called the "March for Unity." This began a period of struggle and negotiation between the neighborhood and various government agencies. With assistance from the Design and Planning Assistance Center at the University of New Mexico and the Legal Aid Society of Albuquerque, the neighborhood developed an alternative plan which became the basis for the Martineztown Urban Renewal Plan of 1973.

The Martineztown Urban Renewal Plan became the official planning and zoning document for the neighborhood for over 20 years. This plan and other associated documents detailed the redesign of the neighborhood and outlined the procedures for clearance and reconstruction of housing. With only minor modifications and updating, the land use guidelines in this plan controlled development in South Martineztown.

Land use controls in the Martineztown Urban Renewal Plan are based on five general categories: multi-family; single family; commercial; public; parks & buffers. The generalized land use controls were more or less adequate since the neighborhood was almost entirely rebuilt during the urban renewal period. There has been little pressure for new development within neighborhood boundaries since the mid 1970s.

With a major revision to the City Zoning Code in 1976, most of South Martineztown was given SU-2 (Special Neighborhood Zone) designation. Although South Martineztown was technically not a sector plan area, the SU-2 zoning provided an updated framework for the land use guidelines within the Martineztown Urban Renewal Plan.

SU-2 zoning is used primarily in Albuquerque's older neighborhoods where conventional zoning categories do not match or reflect land use conditions. Unlike conventional zoning categories, SU-2 zoning allows individual zoning categories to be tailored to the unique neighborhood needs and conditions. Consequently, it is effective in stabilizing areas having a mixture of commercial and residential development.

The sector development plan process began in December 1993 at the request of the governing board of the Citizens Information Committee of Martineztown (CICM). The planning process gave area residents and property owners the opportunity to examine existing and future neighborhood needs, and develop zoning that would provide appropriate controls for the future growth. The primary focus of this new zoning is to protect the residential integrity of the neighborhood while providing appropriate flexibility for commercial property owners.



North (6/95)

South Martineztown Sector Development Plan Map

ZONING FOR SOUTH MARTINEZTOWN & VICINITY (Prior to adoption of the 1995 Sector Development Plan)

South Martineztown Boundary

B. Land Use and Zoning Context

1. Surrounding Context

South Martineztown is a residential enclave within an established urban area. The neighborhood is on the edge of the central business district, bordered by three major arterial roadways and a major medical complex. Given these factors, the area is subject to economic forces and land use activities from well beyond the neighborhood boundaries.

The design of the neighborhood, however, is very thoughtful in this regard. Residential areas are oriented inward, largely away from the surrounding arterial roadways and commercial activities. More intensive uses are located along the neighborhood's edge and oriented to the adjacent arterials. This design buffers the residential areas and provides some protection from incursion of unwanted traffic, noise and pollution. Nonetheless, land use activities in nearby areas are relevant to the quality of life in South Martineztown.

(Refer to the Land Use map on the following page.)

In areas adjacent to the neighborhood, zoning allows for intensive development. Along the north side of Lomas Boulevard, there is a mix of commercial, office and institutional uses that orient to this busy street; the area is zoned for heavy commercial and manufacturing activities. Zoning becomes less intensive moving north from Lomas into the Santa Barbara-Martineztown residential area. Of particular concern is the vacant site between Lomas and Mountain that is adjacent to Interstate 25. Held in trust by the Sandia Foundation, this site has been evaluated as a prospective location for several large-scale development projects. Traffic generation and access issues resulting from the development of this property have the potential to impact South Martineztown and other nearby residential areas. This is also true of the federal government property on the northwest corner of Lomas and Broadway. While there are no immediate plans for development, the size and location of this property suggests that its development will be forthcoming.

Across Broadway Boulevard to the west of South Martineztown is a three-block area zoned for manufacturing. The area has developed as a mix of office, warehousing and manufacturing uses. The Coca-Cola Dr. Pepper bottling plant at Broadway and Marquette is a site for possible redevelopment. Along Dr. Martin Luther King, Jr. Avenue to the south is a mix of commercial and residential uses, including a drive-through bank and the Old Albuquerque High School site. The seven-acre school site has over 150,000 square feet of vacant floor area. Clearly, the redevelopment of the vacant high school has potential to impact South Martineztown, both positively and negatively. Traffic impacts are of particular concern. Traffic volumes along Dr. Martin Luther King, Jr. Avenue as well as Lomas and Broadway are projected to increase with continued development in the downtown area.



North (6/95)

South Martineztown Sector Development Plan Map

LAND USE



South Martineztown Sector Plan Boundary

The St. Joseph Medical Center borders South Martineztown to the east and southeast. This intensively developed regional facility creates a dramatic contrast to the residential neighborhood. This difference in scale and intensity belies the fairly benign relationship between them. The medical complex activities are oriented to the east and south, away from the neighborhood. The edge between them is well established, leaving few opportunities for future development that could adversely impact South Martineztown.

2. Linkages

South Martineztown is a small and fragile neighborhood that has been thoughtfully designed for protection from surrounding activities. However, it is inextricably linked to surrounding areas and nearby land use activities. Its closest linkage is to the north with the Santa Barbara/Martineztown neighborhood. Various issues in that neighborhood spill over and impact South Martineztown. For example, high rates of absentee ownership in one neighborhood will tend to discourage owner occupancy in the adjoining neighborhood just as criminal activity will cross neighborhood boundaries. Influences can be positive or negative and impacts will flow in both directions. South Martineztown's proximity to the downtown core is also important. Major downtown development, or redevelopment of downtown fringe properties like those along the railroad tracks, will impact South Martineztown. Similarly, so will the redevelopment of Old Albuquerque High School.

Over time, positive and strengthening linkages should be developed, while negative influences should be mitigated. For example, South Martineztown can benefit in a variety of ways due to its proximity and association with St. Joseph Medical Complex. A mutual interest in security and crime prevention is certainly one area for cooperation. The issue of property maintenance is also a shared concern.

To remain a viable, attractive residential area, South Martineztown must look to develop positive solutions to issues outside of its boundaries. A particular area of concern is the potential development impacts from nearby projects. As referenced above, the neighborhood is closely linked to several potential development sites. Zoning and land use decisions on these sites and others must be evaluated in terms of the likely impacts on South Martineztown and other nearby residential areas. The future of South Martineztown (along with adjacent areas) must be viewed within a larger context to ensure a positive future.

C. Rezoning Justification

The following section explains the establishment of the SU-2 Zoning land use categories developed for the South Martineztown Sector Development Plan.

Most of the South Martineztown area was zoned SU-2 in 1976 when the Comprehensive City Zoning Code was revised. (Refer to the previous section for a discussion of zoning background.) In a situation unique among Albuquerque neighborhoods, the original SU-2 zoning referenced the land use categories established in the Martineztown Urban Renewal Plan, rather than designated land use categories of the Comprehensive City Zoning Code. While portions of the neighborhood have been rezoned since 1976 as the result of site specific land use actions, most of the zoning within the neighborhood has not been updated for over twenty years. Adoption of the Sector Development Plan gives SU-2 designation to the entire neighborhood area and eliminates any connection or reference to land use controls established in the Martineztown Urban Renewal Plan. The SU-2 zoning provides a flexible context for land use categories that have been developed specifically for the South Martineztown area. The specific SU-2 land use categories reflect existing land uses, therefore creating consistency between land use and zoning. This zoning is designed to provide land use stability and predictability while offering property owners appropriate flexibility in developing, redeveloping and renovating their properties.

1. Goals of rezoning:

- Create compatibility between land use and zoning
- Develop a coherent and consistent overall zoning framework
- Protect the residential integrity of the neighborhood
- Provide flexible but appropriate controls for future development and redevelopment
- Develop zoning that is compatible with surrounding land use and zoning patterns

2. Land Use Categories:

The South Martineztown Sector Development Plan rezones the entire neighborhood SU-2. While the SU-2 designation applies to the whole area, specific zone categories within this broad designation control land use activities at the parcel or lot level. Zone changes resulting from this plan range from minor adjustments to significant changes in zoning intensity and zone categories. All zoning categories for the South Martineztown area are

given the "SM" designation or prefix, denoting that these categories are specifically developed for South Martineztown.

Residential Areas:

SM:R-LT Land Use Category: Houses and Limited Townhouses

With adoption of this plan, low density residential areas are zoned SM:R-LT which corresponds to the R-LT Zone in the Comprehensive City Zoning Code with exceptions for lot size. This zoning designation is tailored to conditions in the neighborhood and is compatible with existing land use activities. This zoning category replaces much of the area designated for Single Family in the Martineztown Urban Renewal Plan (which was updated to SU-2 Zoning in 1976 yet continued to refer to the Single Family designation in the Urban Renewal Plan). The Urban Renewal Plan limited development within the Single Family category to a density of "not more than 6 dwelling units per acre." This density regulation was more restrictive than the common R-1 zone category, and was inappropriate for an area with a history of mixed density development. The SM:R-LT category allows for densities consistent with existing land use and provides property owners development flexibility that is in keeping with existing land use conditions.

The SM:R-LT Zone is also established in the full block bounded by Edith, Fruit, Arno and Marquette with the exception of three properties, two of which are developed as apartments with the third being an electrical substation. The residential area in question was previously designated as Multi-Family Residential in the Martineztown Urban Renewal Plan. The SM:R-LT category reflects existing land use activities (which are predominantly single family residential) and provides appropriate redevelopment regulations. For example, the Multi-Family designation permitted residential densities of 18 units per acre; conversely, SM:R-LT permits eleven townhouses per acre or ten houses per acre. While providing significant redevelopment flexibility, the densities allowed by SM:R-LT are compatible with existing land use whereas an allowance for 18 units per acre is not.

Locations:

- Single family houses on Don Cipriano Court and Tranquilino Court, zoned SU-2 for single family prior to adoption of the Sector Plan.
- Residential properties on Edith from Roma south to Grand along with residential properties on Marquette between Arno and Edith, and residential properties on Arno between Fruit and Marquette. This is the bulk of the private housing in the neighborhood excepting the townhouse project. This area was zoned SU-2/ for Multi-Family prior to Sector Plan adoption.

SM:R-T Land Use Category: Residential Townhouses

The Villa de San Martin townhouse complex bordered by Roma, High, Fruit and Edith is zoned SU-2/SM:R-T with adoption of the Sector Development Plan. This land use category corresponds to the R-T Zone in the Comprehensive Zoning Code with no exceptions. Villa de San Martin conforms to the regulations of this zone category. This complex was previously zoned SU-2 and referenced the Multi-Family category in the Martineztown Urban Renewal Plan. The primary regulation of the Multi-Family category was a density limit of 18 units per acre. That limit allowed a considerably higher density than the San Martin complex, a density well beyond the articulated desires of area residents. The SM:R-T category establishes a compatibility between zoning and land use, and, it protects the neighborhood from overly intense future redevelopment on this site.

Location:

- Townhouse complex (Villa de San Martin) bordered by Roma, High, Fruit and Edith. The complex has 45 units situated on 4.406 acres, a density of 10.2 units / acre. Typical lot sizes are 22 - 26 x 100 - 115

SM:R-G category: Residential Garden Apartments

Apartment buildings and other sites appropriate for apartments are zoned SM:R-G with adoption of this plan. The SM:R-G zoning category corresponds to the R-G Zone in the Comprehensive City Zoning Code with the exception of density being limited to 15 units per acre.

Three public housing complexes within South Martineztown are designated SM:R-G, a zoning category which matches land use on these sites. The Martineztown Family Complex on Roma was previously zoned SU-2/TH although it is unclear when this zoning was established or why a townhouse category was assigned to this site. Nonetheless, SM:R-G zoning corresponds with the use on this site. The 8-unit public complex at 615 Arno was previously zoned SU-2 with the underlying land use category of Single-Family Residential established by the Martineztown Urban Renewal Plan. Apparently, zoning was not adjusted to reflect the present use of this site when the public housing units were built. Again, SM:R-G designates a land use category that corresponds to the use of this property.

The properties immediately to the south of 615 Arno which front on Arno, Roma and Broadway (5 parcels which form the southern tip of this block) also are zoned SM:R-G with adoption of this plan. Although previously zoned SU-2 and referencing the Single-Family Residential category of the Martineztown Urban Renewal Plan, the location of these properties strongly suggests the appropriateness of a flexible zone category which allows houses, townhouses or apartments. All but one of these properties abuts the Lomas Center

site that is zoned SU-1 for Elderly Housing and Related Facilities. Multi-family housing is located to the north, south and east of these properties. While currently single family in use, a single family zone designation at this location would create a spot zone and place unreasonable restrictions on future use of this property given the surrounding land use and zoning context. Consequently, the surrounding land use and zoning pattern justifies a multi-family residential zoning of this property even though its use at the time of plan adoption was single family residential. Under the SM:R-G zoning, a maximum of 8 dwelling units total could exist at this location.

Two additional sites are zoned SM:R-G with plan adoption. Both are within the Multi-Family Residential category of the Urban Renewal Plan and both are the site of small apartment complexes. The first is a double lot located at 600 and 604 Arno which contains 6 apartment units. The second is a large (3 combined lots) parcel at the southwest corner of Fruit and Edith. The SM:R-G land use category creates compatibility between land use and zoning on both sites and protects surrounding uses from overly intense future development.

Locations:

- Properties on Broadway south of Lomas Center property, zoned SU-2 for Single Family prior to Sector Plan adoption.
- Six-unit Apartment on east side of Arno north of walkway, zoned SU-2 for Multi-Family prior to Sector Plan adoption.
- Apartments at the southwest corner of Fruit and Edith, zoned SU-2 for Multi-Family prior to Sector Plan adoption.
- Martineztown Family Public Housing complex at Arno and Roma. Fifty units are located on 3.22 acres giving a density is 15.5 units/acre. Zoned SU-2 for Multi-Family prior to Sector Plan adoption.
- Martineztown Elderly Public Housing complex at Arno, Fruit and Edith. Zoned SU-2 for Multi-Family prior to Sector Plan adoption.

SM:RC Land Use Category: Residential/Commercial Zone.

With adoption of this plan, the site of Manuel's Market at 601 Edith is zoned SM:RC. SM:RC corresponds to the RC Zone in the Comprehensive City Zoning Code with the exception that non-residential uses listed as permissive are not limited by floor area. Thus, this category allows Manuel's Market as a conforming use yet protects surrounding residential development from intensive commercial activities.

Location:

- Manuel's Market, 601 Edith Blvd. Zoned SU-2 for Multi Family prior to Sector Plan adoption.

Commercial Activities

SM:O-1 Land Use Category: Office and Institutional Zone:

The SM:O-1 land use corresponds to the O-1 Zone in the Comprehensive City Zoning Code. Three properties are zoned SM:O-1 with adoption of this plan. The 1.5 acre site at the northeast corner of Broadway and Dr. Martin Luther King, Jr. Avenue (DEA building) which was previously zoned SU-2 for TH (townhouse). The SM:O-1 category creates compatibility between land use and zoning. The adjacent .87 acre parcel to the east that is developed as an office building and was previously zoned SU-2/Office is rezoned SM:O-1 with plan adoption. Rezoning accomplishes an adjustment to height requirements on this property and allows the present use as conforming. The Woodward Center West site at the southwest corner of High and Lomas (medical offices) is also zoned SM:O-1 with plan adoption, creating compatibility between zoning and the existing office use. The previous C-3 zoning not only resulted in a significant discrepancy between use and zoning, it resulted in intensive commercial zoning abutting several single family residential lots—an undesirable and potentially incompatible relationship.

Locations:

- DEA building (former FBI building) and adjacent property at 405 Dr. Martin Luther King, Jr. Avenue. Prior to Sector Plan adoption these two sites were zoned SU-2 for Commercial (DEA building: 1.5 acres) and SU-2/O-1 (office building; .87 acres).
- Woodward Center West property (.7 acres) at the southwest corner of High and Lomas. Presently used for medical offices. Zoned C-3 prior to Sector Plan adoption.

SM:C-1 Land Use Category: Neighborhood Commercial

The SM:C-1 category corresponds to C-1 in the Comprehensive City Zoning Code.

Two properties are zoned SM:C-1 with adoption of this plan. Zoning for the lot on the northwest corner of Grand and Edith (Brooks Photo, Inc.) was previously zoned C-1; thus, its zoning remains as it was. The property at the southeast corner of Lomas and Arno (gasoline service station), is rezoned from C-3. The C-3 zone allows as permissive intensive land use activities that are potentially detrimental to nearby residential activities. The SM:C-1 category, in contrast, allows the existing use as permissive while reducing the possibility for future land use incompatibility with the adjoining Garden Apartment Zone and with the Lomas Center property at the corner of Broadway and Lomas. The SM:C-1 category is a much more appropriate zoning designation to be abutting a residential area.

Locations:

- Brooks Photo at the corner of Edith and Grand. Zoned C-1 prior to Plan adoption.
- Gas Station at SE corner Arno and Lomas (.31 ac). Zoned C-3 prior to Plan adoption.

SM:SU-1 Land Use Category: Special Use

According to the Comprehensive City Zoning Code, the SU-1 land use category provides: "suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design."

Sites so designated can only be developed or significantly altered after approval of a detailed site development plan and landscaping plan by the Environmental Planning Commission (EPC). Sites given SU-1 zoning provide owners with flexibility while providing for public and professional review.

Locations: The following four sites within South Martineztown are designated as SM:SU-1:

- The 3.41-acre Lomas Center site at the southeast corner of Lomas and Broadway was rezoned from M-1 and SU-2 (unspecified) to SU-1 for Elderly Housing and Related Facilities in March of 1995. This zone change was pursued to accommodate the development of a 168-unit residential retirement complex. Plans for this project were reviewed by the South Martineztown neighborhood and supported as approved by the Environmental Planning Commission. The approved zoning and site plan for this project are compatible and consistent with the goals and objectives of the South Martineztown Sector Development Plan.
- Longfellow School is designated SM:SU-1 for School and Related Facilities. This site has been zoned SU-1 since 1976. Note, however, that the independent jurisdictional status of the Albuquerque Public School District exempts the Longfellow School site from zoning requirements. However, the intent of this Plan is to encourage APS to voluntarily comply with the assigned zoning regulations in order to provide for municipal review and citizen input on alterations to the Longfellow School site.
- Martineztown Park and Walkway is designated SM:SU-1 for Park and Related Facilities. Martineztown Park was identified as a Park and Buffer area in the Urban Renewal Plan. Martineztown Walkway, a pedestrian extension of Roma Boulevard between Arno and Edith, was given the Multi-Family designation of the surrounding uses in the Urban Renewal Plan. It was not subsequently rezoned to reflect its use as a public, pedestrian walkway. The SM:SU-1 designation provides compatibility between land use and zoning for the Park and the Walkway.
- Utility Sub-Station at the northeast corner of Arno and Marquette is zoned SU-1 for Utility Sub-Station.

D. Zoning

1. SU-2 Special Neighborhood Zone

Zoning for the entire South Martineztown neighborhood is amended to be an SU-2 area with adoption of the South Martineztown Sector Development Plan. This includes five properties not previously zoned SU-2.

2. Land Use Categories:

SM:R-LT Residential Zone (houses and limited townhouses)

The R-LT Land Use corresponds to the R-LT Zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone with the following exceptions:

A. Lot Size

1. For a townhouse, minimum lot area shall be 4,000 square feet; minimum lot width shall be 30 feet.
2. For a house, minimum lot area shall be 4,500 square feet; minimum lot width shall be 45 feet.

SM:R-T Residential Zone (houses and townhouses)

The R-T Land Use corresponds to the R-T Zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone.

SM:R-G Residential Garden Apartment Zone

The R-G Land Use corresponds to the R-G Zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone with the following exceptions:

A. Density

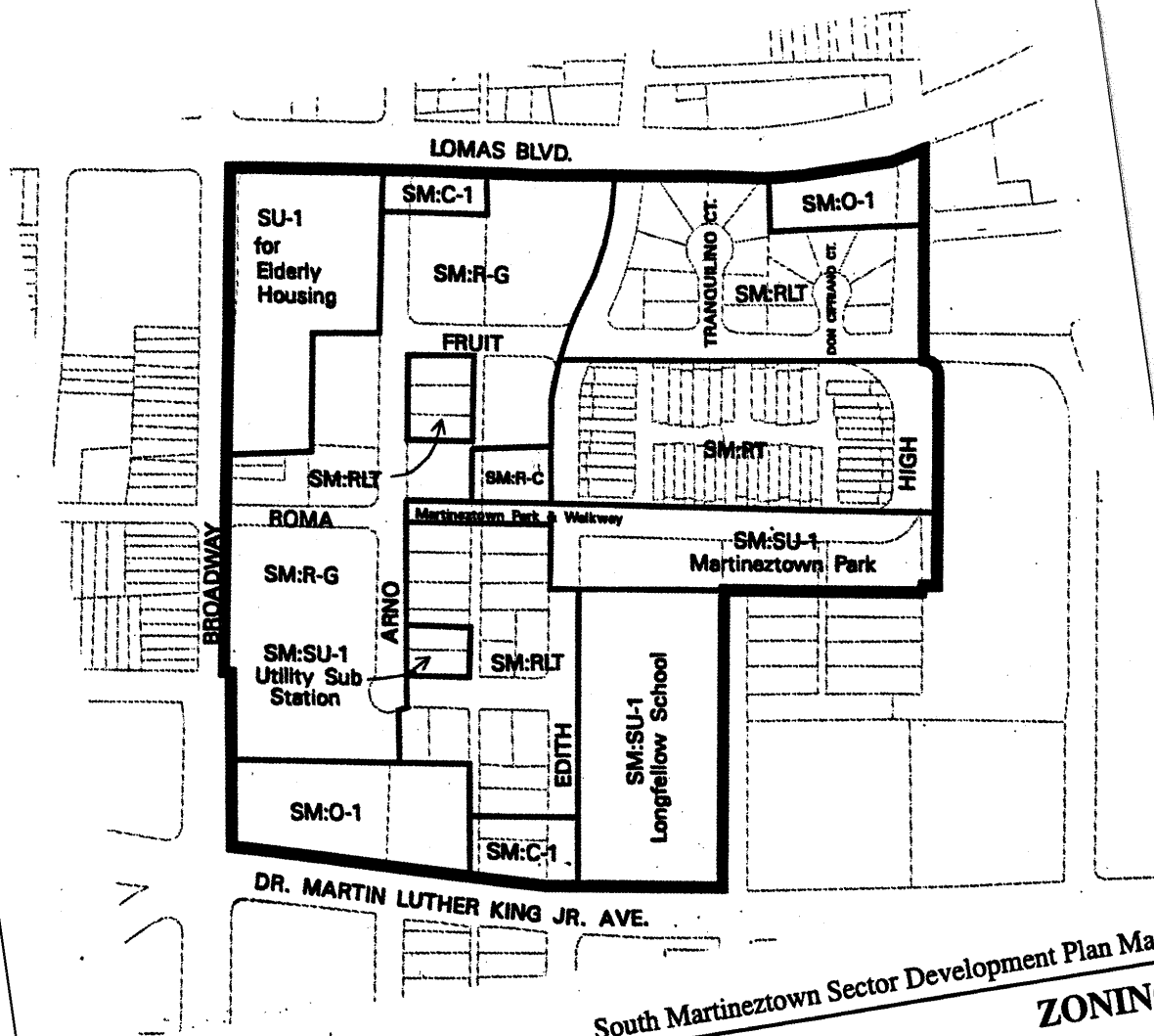
1. Density of a lot may not exceed 15 dwelling units per acre.

SM:RC Residential/Commercial Zone

The RC Land Use corresponds to the RC Zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone with the following exceptions:

A. Permissive Uses:

1. Non-residential uses listed as permissive are not limited by floor area.



- SM: RLT** Corresponds to the R-LT zone category which allows for houses, limited townhouses and related uses. It allows all activities permitted in the R-1 zone including family day care homes and minor home occupations with one small sign. Minimum lot width is 30' for townhouses; 45' for houses. Minimum lot area is 4,000 sf for townhouses; 4,500 for houses. One dwelling unit per lot, and 2 dwelling units per building are permitted. This category allows a little more flexibility and slightly higher densities than R-1.
- SM: RT** Corresponds to the R-T residential zone category which allows houses and townhouses. Villa de San Martin Townhouses are the only properties so designated in the neighborhood.
- SM: RG** Corresponds to the R-G Residential Garden Apartment Zone category. It allows houses, townhouses and low density apartments. This zone permits the existing apartment buildings within the neighborhood but limits density of redevelopment projects to a level compatible with the neighborhood.
- SM:R-C** Corresponds to the RC Residential/Commercial Zone. Manuel's Market is the only designated R-C site in the neighborhood. This zone allows a mixture of residential and small commercial activities. This zone would allow small shops and offices, including: books and magazines, day care center, restaurant without drive-up facilities, tailoring, interior decorating. This is the lightest commercial category.
- SM: O-1** Corresponds to the O-1 Office and Institution Zone which permits office buildings, institutional activities and low intensity commercial uses.
- SM: C-1** Corresponds to the C-1 Neighborhood Commercial Zone. A variety of commercial uses are permitted in this zone including offices, retail sales and service businesses. Gas stations are allowed. Manufacturing is very limited.
- SM: SU-1** This is a special use zone for specified activities.

SM:O-1 Office and Institution Zone.

The O-1 Land Use corresponds to the O-1 Zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone.

SM:C-1 Neighborhood Commercial Zone

The SM:C-1 Land Use corresponds to the C-1 Zone in the Comprehensive Zoning Code.

SM:SU-1 Special Use Zone

This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on the surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

3. Approved Conditional Uses

Properties that were in compliance with the previous zoning but become non-conforming upon adoption of the South Martineztown Sector Development Plan become approved Conditional Uses as defined by the Comprehensive City Zoning Code.

A primary goal of this plan has been to develop compatibility between land use activities and zoning. If by oversight, there are discrepancies between zoning and land use activities resulting from this plan, the above provision allows those uses that were in legal conformance with the previous zoning to continue with legal status following adoption of this plan.

E. Zoning Compliance Study

Within 6 months of adoption of the South Martineztown Sector Development Plan, a zoning compliance study of the South Martineztown neighborhood will be conducted by the Zoning Enforcement office of the City Planning Department. Properties will be examined to determine compliance with zoning regulations that existed prior to adoption of this plan. Appropriate enforcement action will be taken to any properties in non-compliance.